

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RYMED TECHNOLOGIES, INC. and)
DENISE MACKLIN,)
Plaintiffs,)
v.)
**ICU MEDICAL, INC.,)
Defendant.)****

**ICU MEDICAL, INC.,)
Counter-claimant,)
v.)
**RYMED TECHNOLOGIES, INC.,)
Counter-defendant.)****

No.: 3:10-01067
Judge Sharp

ORDER

For the reasons set forth in the accompanying Memorandum, the Court hereby enters the following rulings:

(1) RyMed Technologies Inc.'s Partial Motion to Dismiss (Docket No. 41) is hereby GRANTED, and ICU Medical Inc.'s claims related to RyMed's statements regarding the pending patent infringement action in the United States District Court for the District of Delaware are hereby DISMISSED;

(2) ICU's Objections to Evidence Proffered in Support of RyMed's Motion for Summary Judgment (Docket No.119) are hereby OVERRULED; and its Objections to, and Motion to Strike Evidence Proffered in Support of, RyMed's Responses to ICU's Motion for Summary Judgment

(Docket No. 128), are hereby OVERRULED and DENIED, respectively;

(3) RyMed's Motion for Partial Summary Judgment (Docket No. 85) is hereby DENIED;

(4) ICU's Motion for Summary Judgment on Counts II and III of RyMed's Second Amended Complaint (Docket No. 78) is hereby GRANTED with respect to (a) the "Needlefree Connectors - Comparative Matrix" statement, (b) the statement that the CLAVE® "provides the only completely internal fluid path in a needlefree system," (c) the photograph of the MicroCLAVE® that does not show a "gap" around the septum, (d) the statement that the CLAVE® is the "world's leading needlefree connector", and (e) the statement that a website animation demonstrates the ability of the CLAVE® to prevent contamination of the fluid path;

(5) ICU's Motion for Summary Judgment on First Amended Counterclaims (and Counts I and IV of RyMed's Second Amended Complaint) (Docket No. 81) is hereby DENIED; and

(6) RyMed's Motion for Review (Docket No. 147) and Motion for Stay (Docket No. 148) are hereby deemed MOOT.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE